



Tuolumne County Health Department

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California Children's
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Disease
HIV Education and
Prevention
Immunization
Maternal Child Health
PHN Case
Management
Tobacco Control
WIC
CHDP
Clinical Services
Emergency Medical
Services

June 29, 2006

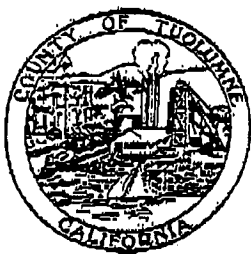
Dear Mr. Kareem

This letter and reply is in response to the summary of findings for the Tuolumne County CUPA evaluation conducted on March 22 and March 23, 2006.

The current administration's goals are to markedly improve the performance of the CUPA over the upcoming year. To meet improvement objectives the CUPA has dedicated a part-time employee to manage and administer the CUPA in addition to training a new inspector to satisfactorily inspect and meet the demands of the program elements. The new inspector will begin work in the CUPA program in September 2006. These two new staff members are dedicated to making the program work more effectively and improve upon existing CUPA system procedures and management. Some of this extensive work has already begun and is under way as is evident through some of responses to the summary of findings.

Respectfully,

Sylvia Miralles, REHS
Principal Environmental Health Specialist



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION RESPONSE TO SUMMARY OF FINDINGS

CUPA: Tuolumne County - Division of Environmental Health
Director: Brenda Faw
CUPA Manager: Sylvia Mireles

<u>Date</u>	<u>Deficiency</u>	<u>Corrective Action</u>	
1	The CUPA has not conducted a self audit of its Unified Program activities from FY 00/01 through FY 03/04	The CUPA will conduct a self-audit for every fiscal year. The CUPA will begin work on the self-audit in the months of July and August to allow enough time to complete the self-audit by the September time line.	September 30, 2006
2	The FY 04/05 self-audit submitted during the CUPA evaluation did not contain all of the required elements	<p>The CUPA will submit an audit for fiscal year 05/06 by the scheduled time line and include the following elements.</p> <ol style="list-style-type: none"> 1. Summary of findings 2. Report of deficiencies with a plan of correction 3. Narrative summary of program element activities, including the effectiveness and efficiency of permitting, inspection, and enforcement activities undertaken 4. Copies of the annual, biennial, and quarterly summary reports 5. Narrative summary of progress made towards consolidating, coordinating, and making consistent the CUPA program 6. Any changes of local ordinances, resolutions and agreements 	September 30, 2006

Tuolumne County CUPA evaluation

		<p>ordinances, resolutions and agreements affecting the program</p> <p>7. Summary of single fee system activities</p> <p>8. A narrative summary of the annual review update and fee accountability program</p> <p>9. A summary of new programs being included in the CUPA</p> <p>10. A demonstration that the CUPA has satisfied the specific self-audit and performance standards established in regulation by the Secretary or the state agencies responsible for one or more of the program elements.</p>	
3	The CUPA is not inspecting HMRRP facilities once every three years	<p>The CUPA has approximately 250 businesses that are HMRRP facilities. Through the SWEEPS program, facilities will be distributed out over a three year span to complete a third of the inspections that are due for each year. Each year totals to approximately 84 HMRRP inspections. Those that are the most outdated will be inspected until all HMRRP facilities have been inspected. This year the CUPA aims to inspect all HMRRP facilities that have not been inspected in the last three years.</p>	<p>Sept 23, 2007</p> <p>(Requesting more time due to the fact that there is a 3 year workload to accomplish in 9 months and new staff to train)</p>
4	The CUPA is not inspecting Hazardous Waste Generators once every three years.	<p>The CUPA has approximately 105 sites in the county that generate Hazardous Wastes. These facilities will also be included in the 3 year inventory list. A third or about 35 Hazardous Waste Generator sites will be inspected every year, to meet the requirements. The CUPA aims to inspect all Hazardous Waste Generator facilities that have not been inspected in the last three years.</p>	<p>March 23, 2007</p>

Tuolumne County CUPA evaluation

5	The CUPA is not inspecting Underground Storage Tank facilities once a year.	CUPA has an inventory list of approximately 41 active UST sites. We are currently working on updating this list and maintaining an accurate inventory through our Sweeps software program. We have one person (Reuben Sendejas) certified to conduct UST inspections. Our goal is to have two additional people certified to conduct UST inspections. One person to be certified by June 30, 2007 and the other person certified by or before June 30, 2008. Our goal is to conduct a minimum of one UST inspection per week or 12 facilities per quarter to satisfy the requirement of inspecting UST facilities once per year.	March 23, 2007
6	The CUPA is not implementing and updating their Inspection and Enforcement Plan as mandated by law.	The CUPA is prepared to implement the enforcement plan if necessary when there are issues of non-compliance. The enforcement plan will be updated as necessary to reflect any changes in the plan. (see enclosed attachment)	Completed
7	The CUPA was not prepared to administer formal enforcement to facilities cited for non-minor violations.	The CUPA is prepared and inclined to administer formal enforcement to facilities cited for non-minor violations. (see enclosed attachment)	Completed
8	The CUPA is unable to document that all facilities that have received a notice to comply citing minor violations have returned to compliance within 30 days of notification. There is no recorded certification of return to compliance in the files	Violations for facilities will be recorded on the inspection report and also documented on the file's log activity sheet for follow up purposes. The inspector will be responsible for following up within 30 days to ensure that the violation has been corrected and compliance documented in the file.	Completed

Tuolumne County CUPA evaluation

9	The CUPA is not implementing a fee accountability program as mandated by law.	The CUPA is implementing a fee accountability program based on the budget attachment. (see attachment)	Completed
10	The CUPA has not inspected all (two) CalARP facilities within the past three years.	The CUPA has registered two inspectors to attend training for CalARP inspections in Clovis on August 16, 2006. The CUPA will conduct the two CalARP inspections after the training is completed.	March 23, 2007
11	The CUPA is not obtaining inventory or inventory certification annually from all businesses subject to the Business Plan Program.	In May 2007, the CUPA sent out a mass mailing to all regulated businesses requiring that they send in their inventory certification or their updated business plan. The procedure that will be implemented is an existing procedure. CUPA will be sending future certification notifications with the routine billing statements as had been done in prior years.	Completed
12	The CUPA is not ensuring that inventories are complete and correct.	The CUPA has registered two inspectors for training in the business plan program in Clovis on August 16, 2007. The CUPA is receiving inventories and will be reviewing these inventories upon training of inspectors in the business plan program	March 2007
13	The CUPA is not ensuring that the Business Plans are reviewed every three years.	Currently there are approximately 250 business plan sites entered into the SWEEPS program. We will be distributing those out over a three year span to complete a third of the business plan reviews each year. That totals to approximately 84 Business Plan reviews per year or about 7	March 23, 2007 (Requesting more time due to the fact that there is a 3 year workload to accomplish in 9

Tuolumne County CUPA evaluation

		reviews per month. We will start with a list of the facilities that are the most outdated first until we have completed a review of all the business plans. This year the CUPA aims to review all business plans that have not been in three years.	months and new staff to train)
14	The Business Plan files, for the most part, have the site maps and exact chemical locations sequestered in an envelope marked "Confidential", to ensure that this information is not disclosed to the public. However, in many cases, earlier versions of the Business Plan in the folder still have maps and exact chemical locations available for public inspection.	As part of reviewing the business plan the CUPA staff will be trained to ensure that chemical locations and site maps are kept confidential by putting them inside the yellow envelopes. We are also in the process of updating our filing system and will be re-organizing our CUPA files. As part of this process also we will include the assurance of keeping chemical locations and site maps inside the confidential envelopes	March 23, 2007
15	The CUPA failed to take formal enforcement for the inspection conducted on 5/10/02 at Columbia College.	The CUPA will begin immediately to address any future Class I violations through formal enforcement action according to the State Enforcement Policy. If the CUPA needs assistance, the CUPA will contact the DTSC CUPA liaison.	Completed
16	The CUPA did not conduct a complete oversight inspection.	Corrected on site. The CUPA is in the process of adequately training CUPA inspectors to satisfactorily conduct inspections so that violations are not overlooked.	Completed
17	During the oversight evaluation, the CUPA did	The CUPA is in the process of training formally and informally two new	

Tuolumne County CUPA evaluation

	not provide a summary of violations/notice to comply to the business at the end of the inspection	inspectors. Both inspectors have been registered to attend a UST Training and Business Plan training. In addition, one inspector is receiving informal training through the Calaveras County CUPA program. These two inspectors already have experience in the Environmental Health programs in issuing summaries of violations/notice to comply with other programs. A summary of violation/ a notice to comply will be provided by the CUPA to the business at the end of the inspection	Completed
18	The current UST permit and conditions does not contain all of the required elements. T23 2712	This CUPA has an existing permit that outlines permitting based on required elements in Title 23, Section 2712. The CUPA will be taking the existing permit and updating it to include all the required elements. This will be based on compliance of the facility not on payment of fees.	August 2007
19	The CUPA does not review and approve monitoring, response and plot plans prior to permit issuance, and plans are not part of the permit.	The CUPA will be including the review and approval of monitoring and response plans for UST's as part of the UST annual inspection. These plans will be checked for completeness and adequacy each year during the annual inspection. A permit will be re-issued after the plans have been reviewed and approved.	Completed.

Tuolumne County CUPA evaluation

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

1. **Observation:** The CUPA has training records exhibiting progressive training of past inspectors, but the CUPA does not have a detailed training plan in place for new and existing inspectors to follow.

Recommendation: Develop a training plan for new and existing inspectors to follow. The plan should include specific classes at designated items, classes that are pertinent to the types of inspections performed, and a mechanism for cross-training staff in the Unified Program elements.

Corrective Action: The CUPA has begun the process of training staff for administering the CUPA program through specific classes including UST's, Business Plan, CalARP and CSTI courses for the formal training of inspectors. The CUPA has a plan to have a minimum of three people proficiently trained in the CUPA elements so that if there is a change of staff, the existing staff will be able to train the new staff person through course work, online resources and on the job training.

2. **Observation:** As has been stated by the CUPA, the SWEEPS data management system has been difficult to use and has not been used as a day to day management of facility information. SWEEPS is marginally capable of indexing Business Plan files by street address and business name, as required by Health & Safety Code section 25506(a), the process is slow, non-intuitive and labor-intensive. The system has not been fully integrated into the Tuolumne County CUPA Program because of poor vendor support and lack of past implementation of SWEEPS.

Recommendation: Replace SWEEPS with newer Envision software for superior data management and vendor support. Incorporate Envision into CUPA day to day management of facility information, while continuing to maintain paper files. The proposal to incorporate global position satellite (GPS) information to the database would make response even better.

Corrective Action: The CUPA will be investigating feasibility studies this year to implement a more effective software program such as Envision to markedly enhance the administering of the CUPA programs. We will also look at incorporating Global Position Satellite information as part of the data management for CUPA.

3. **Observation:** Due to a decline of significant number of staff from the CUPA program in recent years, Tuolumne County Environmental Health has not had adequate personnel to effectively implement the CUPA program. The CUPA currently has one staff person, Reuben Sendejas

Tuolumne County CUPA evaluation

(hired September 2004) who manages and implements the program. One other person is currently being cross-trained for the Unified Program, but Reuben Sendejas is the only person fully trained to perform CUPA inspections in all the program elements.

Recommendation: The CUPA should hire more staff fully dedicated to the CUPA program to increase overall CUPA efficiency and to increase inspection frequencies throughout all program elements.

Corrective Action: In addition to the current CUPA staff person, the CUPA has designated an additional CUPA inspector that will be trained and dedicated full time to working in the CUPA program. Also, the program will have oversight by a part-time staff person that will manage and effectively administer the CUPA program.

4. **Observation:** The CUPA's only recent CalARP inspection did not look for compliance audits or incident investigations.

Recommendation: The three-year compliance audit and any incident investigations (especially "near misses") provide valuable information on the basic safety of the plant.

Corrective Action: The CUPA has registered two staff members to attend training in CalARP investigations. The CUPA staff will be trained and professionally competent to look for the appropriate audits and incident investigations during inspections.

5. **Observation:** The CUPA was unable to demonstrate that complaints which were referred by DTSC from January 1, 2002 to February 1, 2005 were investigated. No follow-up documentation could be found for complaints.

Recommendation: Ensure that all complaints are being received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to complaint coordinator. Investigate and document all complaints referred by either inspection report or by 'note to file' and place in facility files. Notify the complaint coordinator of the disposition of all complaints.

Corrective Action: Any complaints that the CUPA receives through DTSC or other means will be written up formally on the Tuolumne County Investigation Request form. All appropriate documentation including email addresses will be documented on the Investigation Request form and will be followed up in a timely manner and filed in the corresponding facility file.

Tuolumne County CUPA evaluation

6. **Observation:** The inspection reports reviewed lacked any detailed narrative for the facilities inspected.

Recommendation: Develop the narrative portion of the inspection report so that a reviewer of the report may gain an insight into the type of historical operation occurring out at the site.

Corrective Action: The new administrator for the CUPA program will be training the existing inspector and the new CUPA inspector to properly document inspection reports to include enough written details of observations so that anyone reading the report will be able to discern the actual findings and status of the facility at the time of the inspection.

7. **Observation:** Inspection reports reviewed do not incorporate a thorough and comprehensive listing of generator requirements.

Recommendation: Consider using the provided example checklist as a model in developing and modifying your own present inspection report. A comprehensive checklist ensures that no rule, regulation, or statute is inadvertently overlooked.

Corrective Action: The CUPA administrator will be updating and revising existing Tuolumne County CUPA forms to ensure that forms are up to date with current codes and functional for the purposes of satisfactorily implementing the CUPA program. The inspection report forms will include a detailed report and checklist with appropriate code references for violations noted so that no violations are overlooked.

8. **Observation:** The CUPA has not accessed the Hazardous Waste Tracking System of DTSC, which would have enabled the CUPA to determine the present number of facilities within its jurisdiction and to review their manifests before conducting a hazardous waste generator inspection.

Recommendation: Begin accessing the Department's Hazardous Waste Tracking System for future generator inspections to determine waste profiles and generation status from previous manifests sent. In addition, review the print out provided to the Tuolumne County Environmental Health Department listing active facilities within its jurisdiction that have applied for permanent EPA ID numbers and please compare it to your own database. Rita Hynarowski of the DTSC may be contacted at 916-255-3649 for procedures for securing access to the database.

Corrective Action: As part of the newly trained staff within the CUPA, the CUPA inspectors will be trained in how to access the state's Hazardous Wastes Tracking system to compare with the county's SWEEPS

Tuolumne County CUPA evaluation

database. This information will be used in evaluating waste generator facilities in the county and will be used in reviewing facilities prior to their inspections.

9. **Observation:** The UST inspection checklist is general in nature and does not fully reflect or address items that are inspected. The inspection checklist does not identify significant operational compliance (SOC) items. Compliance with SOC is not tracked for reporting purposes.

Recommendation: Develop and use a more comprehensive inspection checklist. A more developed checklist will create a more comprehensive and thorough inspection. Identify (SOC) items on the checklist and track SOC compliance at the time of inspection for Report 6.

Corrective Action: The CUPA administrator will be updating and revising existing Tuolumne County CUPA forms to ensure that forms are up to date with current codes and functional for the purposes of satisfactorily implementing the CUPA program. The inspection report forms will include a detailed report and checklist with appropriate code references for violations noted to create a more thorough inspection and to be able to quickly identify Significant Operational Compliance Items for reporting purposes.

10. **Observation:** Although the UST inspection report for the site inspected during this evaluation included a narrative describing the violations, what was needed to correct the violations, and a time frame for violation correction, the other files did not reflect these items. A formal inspection and enforcement procedure does not appear to be in place.

Recommendation: Develop a more comprehensive inspection report format. Provide a formal notice to comply (or notice of violation) that includes a summary of violations (including code sections), what is need to correct the violation, and a time frame for correction. Incorporate these items into inspection and enforcement procedures.

Corrective Action: CUPA staff will be appropriately trained to satisfactorily document inspection reports to include clear and detailed information regarding observed violations and time frames for corrections. The CUPA currently has a formal notice of violation for non-compliance issues that will be used if necessary in addition to the official inspection report. The CUPA administrator will be updating and revising existing Tuolumne County CUPA forms to ensure that forms are up to date with current codes and functional for the purposes of satisfactorily implementing the CUPA program.

Tuolumne County CUPA evaluation

11. **Observation:** The records do not reflect when a violations is corrected, or if any or additional enforcement actions are taken.

Recommendation: Develop a procedure where violations correction can be tracked, or noted.

Corrective Action: A procedure for follow up inspections regarding violations already exists and will be implemented accordingly. Any violations documented on the inspection report will

12. **Observation:** File review from several files showed that many items were missing from the files: annual monitoring certifications and testing reports, installations records and constructions inspection reports, upgrade records and construction inspections reports, financial responsibility records, designated operator designation, certificate of compliance, etc.

Recommendation: Ensure that construction records are maintained with the file. Annual testing results should maintained for three years in the files.

Corrective Action: The CUPA program will be updating all their existing files including business plan and UST files. The new UST files will have multiple dividers for keeping appropriate records such as test reports, certifications, and construction reports more organized and easier to find. Files will be reviewed for completion of documentation and organized accordingly as part of this updating procedure and also during the review of business plans inspections and field inspections that are due.

Hazardous Material 2005-06

Expense Category	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	YTD
Regular Salaries	18,072.91	13,717.48	19,169.40		50,959.79
Overtime			6.32		6.32
Incentives	156.16				156.16
Fringe Benefits	8,726.22	6,535.58	11,012.76		26,274.56
Workers Comp	322.32	234.57	325.74		882.63
Unemployment	92.32	67.19	93.30		252.81
					-
Personnel Total	27,369.93	20,554.82	30,607.52	-	78,532.27
Clothing			50.23		50.23
Communications	67.88	119.86	185.62		373.36
Equipment Maintenance		16.78	26.64		43.42
Vehicle Maintenance	568.73	308.93	291.90		1,169.56
Software Maintenance					-
Medical & Lab Supplies					-
Employee Physicals	14.31		14.46		28.77
Dues & Memberships	73.79	20.17			93.96
Office Expense	185.48	394.64	181.28		761.40
Photocopies	207.12	95.02	200.99		503.13
Postage	90.57	53.22	82.23		226.02
Purchasing	59.90	43.60	60.54		164.04
SWEEPS	416.20	187.12	451.85		1,055.17
Professional Services	85.70	271.01	137.59		494.30
Health Admin					-
County Counsel					-
Welfare Administration	904.94	1,118.82	1,313.93		3,337.69
Insurance	155.34	113.05	156.99		425.38
Phone Leases	198.04	144.12	200.14		542.30
SDE	111.29		7.10		118.39
Fuel	235.17	232.94	182.07		650.18
Travel & Training			23.90		23.90
Private Vehicle Use					-
Expendable Equipment					-
Service & Supply Total	3,374.46	3,119.28	3,567.48	-	10,061.20
Computers					-
A-87	2,166.08	1,576.38	1,906.88		5,649.34
Total Program Cost	32,910.47	25,250.48	36,081.86	-	94,242.81